

EXHIBIT "B"

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June 11, 2003

Jeffrey R. Elliot, Esq.
Kozloff Stoudt
2640 Westview Drive
Wyomissing, PA 19610

Re: Neimer v. City of Lancaster *et al*

Dear Mr. Elliot:

I represent the Lancaster County Children and Youth Social Service Agency. The Agency has received a subpoena from your office for records regarding Mr. Alvarez and Miss Neimer. You are well aware that this is a child abuse case. As I advised your paralegal, the records of the Agency are confidential (23 Pa.C.S.A.6339) and the records or the information contained therein cannot be released except as provided in Section 6340 (23 Pa.C.S.A. 6340(a)) of the Child Protective Services Law.

In order to comply with your subpoena for the Agency records in this abuse case, the Agency is required to have a specific order of the court directing and authorizing it to provide copies of the records. The Agency is prohibited from releasing information which would identify the person(s) making the report of suspected abuse. (23 Pa.C.S.A 6340(c))

You requested that I provide you with this letter so that you could present it to the Court with your request for an order directing the Agency to provide you with copies of its records. Please include in your suggested order that information which would identify any referent is to be redacted and that the records released are to be retained by the attorneys to whom the records are provided and the information contained therein shall not be made available to any party not involved in the lawsuit.

I assume that you will be able to obtain the order as requested. Please send the order to me. I will redact the records as required and forward copies to you. I further assume that it will not be necessary for anyone to appear at the records deposition on June 20. If you need anything further, please advise.

Thank you very much.

Very truly yours,
Alspach & Ryder LLC
By

cc:LCC&YSSA



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June 16, 2003

SENT VIA FACSIMILE AND MAIL

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2640 Westview Drive
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Re: James J., Rebecca F. and Katherine E. Neimer
v. Lancaster Recreation Commission, et al.

Dear Mr. Elliott:

As you know, of course, our office represents the City of Lancaster and its various departments and bureaus. I am responding, therefore, to the subpoena that was issued to the Police Bureau dated June 9. The Criminal History Record Information Act provides that police departments may not provide, "intelligence information, investigative information, or treatment information," 18 PS § 9102. I am enclosing, therefore, the Field Incident Report, Booking Report, and Press Release, but I am not enclosing the remainder of the Police Bureau's file. Since the return date on the subpoena is June 20, the date on which I am going to take the deposition of the Plaintiffs here in my office, I will be happy to discuss this further with you at that time if you wish. However, I can tell you that the Police Bureau has consistently refused to divulge investigative information without a court order specifically requiring it to do so.

Yours truly,



Christopher S. Underhill

CSU:teg/00297366.wpd

Enclosure

cc: Charles W. Smithgall, Mayor
Carol E. Roland
William M. Heim, Chief of Police
Edward H. Rubenstein, Esquire
Sue Abele
Harry St. C. Garman, Esquire

